

July 25, 2012

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Accessibility of communications technologies)	CG Docket No. 10-
213		
for the first biennial report under the Twenty-)	
First Century Communications and Video)	
Accessibility Act)	

Comments of the American Foundation for the Blind

The American Foundation for the Blind (AFB) appreciates the invitation by the Federal Communications Commission (FCC or Commission) to provide initial thoughts concerning the Commission's preparation of its first biennial report regarding the status of telecommunications accessibility and the implementation of the landmark Twenty-First Century Communications and Video Accessibility Act (CVAA).

We do want to go on record expressing our disappointment with the far-too-short turn-around time for submitting comments in this docket. The notice was issued on July 12, 2012, with a comment period deadline of July 25. While we can appreciate the need for expeditious handling, surely the Commission could have issued the public notice inviting comments even two weeks earlier than it did or, barring that, set a deadline of August 1 or August 8 for comments. That having been said, as explained below, we do not see the need at this time to provide extensive comment on the implementation of the CVAA to date or on the relative response of the telecommunications marketplace to better meet its existing accessibility obligations under the long-standing requirements of section 255 of the Communications Act.

With regard to the CVAA, the Commission is to be lauded for the tremendous efforts it has made, thanks to its indefatigable staff, to meet all of the various deadlines with respect to implementing regulations for sections 716 and 718. The staff are to be particularly commended in that, given their relatively small number and the vast array of other proceedings for which they have had responsibility,

including implementation of the CVAA's video description provisions, their work has been thorough, fair, and effective.

Given that the substantive effect of sections 716 and 718 will not be in full force until the Fall of 2013, however, we would urge the Commission to avoid making any precipitous analysis of the impact of these provisions on the telecommunications marketplace. Indeed, any treatment in the upcoming biennial report of the alleged positive impact of the new requirements on the relative accessibility of advanced communications service or web browsers would, by necessity, need to rely almost exclusively on claims by covered industry players that they have been working diligently and in strict compliance with the law to eventually achieve greater accessibility than they have heretofore achieved. Because enforcement of the 716 and 718 obligations by the Commission will not commence until Fall, 2013, it is impossible to judge with any degree of certainty whether the obligations of the new law are being taken seriously and are even beginning to have the widespread transformative impact that they were intended to affect. We would therefore urge the Commission to either simply reflect this reality in its upcoming report or, barring that, report without commentary, analysis or judgment any activities that covered industry may say they are undertaking to comply with the CVAA.

With respect to section 255 and the long-standing access requirements on telecommunications manufacturers and service providers, we would be incredulous if anyone were to conclude that the status quo of pervasive inaccessibility has changed much since we began to respond to the array of invitations for comment on CVAA implementation that the Commission has been issuing since the Fall of 2010. Out of the myriad mobile phone choices available to the general public, Apple's iPhone continues to be the only smart phone providing truly equal access at no extra cost to users with vision loss. The accessible choices in the feature phone market are not that much more extensive. However, we have recounted the rather dismal state of affairs nearly ad nauseum in our many previous filings. If the Commission's own online regulatory filing mechanism were not itself suffering from embarrassing inaccessibility problems, we would provide a complete list of active links in these comments to such previous filings. Given that doing so is not workable, we are hereby asking that all of our previous comments filed in connection with each of the proceedings touching the CVAA, as well as general requests for comment on the access challenges faced by people with disabilities, initiated by the Commission after October 8, 2010 be formally incorporated into the present docket. Our previous thorough treatment of the frustration of people who are blind or visually impaired who attempt to learn about, purchase, and use telecommunications equipment and service is not appreciably out of date and should provide the Commission a clear picture of industry's largely inert response to section 255. The Congress should receive accurate information about this past posture on the part of covered entities if future biennial reports tracking industry compliance are to report, as we hope they can and will, a marked change in behavior.

Again, thank you for the invitation to provide input as the Commission prepares its first biennial report to Congress, and we are eager to see the draft report and to have sufficient time to comment on it as soon as it becomes available.

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